



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MAA
F. #2017R00906

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 3, 2025

By ECF and Email

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael McMahon
Criminal Docket No. 21-265 (S-1) (PKC)

Dear Judge Chen:

In connection with defendant Michael McMahon's sentencing, scheduled for April 10, 2025, and pursuant to Rule 1.B. of Your Honor's Individual Practices and Rules, the government respectfully requests that the Court permit the government to file Exhibit D to the government's sentencing submission under seal.

The document to be filed under seal is an investigative recommendation by the New York City Civilian Complaint Review Board ("CCRB"). The government is sensitive to the need to minimize the amount of information in a criminal case that is filed under seal. *See, e.g., United States v. Aref*, 533 F.3d 72, 83 (2d Cir. 2008) (noting "the requirement that district courts avoid sealing judicial documents in their entirety unless necessary"); *Lugosch v. Pyramid Co.*, 435 F.3d 110, 119-20 (2d Cir. 2006) (noting that sealing orders should be "narrowly tailored"). However, because the recommendation includes identifying information regarding victims and witnesses, sealing is warranted to protect the privacy interests of third parties. *United States v. Amodeo*, 71 F.3d 1044, 1050-51 (2d Cir. 1995) (privacy interests of third parties may be compelling reason justifying sealing).

For the reasons above, the government respectfully files Exhibit D, attached, under seal.

Respectfully submitted,

JOHN J. DURHAM
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Eastern District of New York

By: /s/
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Enclosure (Under Seal)

cc: Clerk of the Court (by ECF and Email)
Counsel of Record (by ECF and Email)